

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

742Z0108

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to create a citizen commission to review initiated measures
2 and initiated amendments to the Constitution and to prescribe the commission's powers and
3 duties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 12-1 be amended by adding a NEW SECTION to read:

6 There is created a Citizen Review Commission to be composed of five citizen members
7 appointed by the State Board of Elections. The chair of the commission shall be chosen by the
8 members appointed to the commission. The members of the commission shall serve for
9 two-year terms. No more than two members may be from the same political party. Any vacancy
10 on the commission shall be filled in the same manner as the original appointment. All members
11 of the commission shall file with the secretary of state an oath in the form prescribed by § 3-1-5.

12 Section 2. That chapter 12-1 be amended by adding a NEW SECTION to read:

13 The per diem and expenses of the commission shall be established by the Executive Board
14 of the Legislative Research Council.

15 Section 3. That chapter 12-1 be amended by adding a NEW SECTION to read:

16 The Office of the Secretary of State shall serve as the secretariat of the commission and shall



1 assist the commission as may be requested by the commission.

2 Section 4. That chapter 12-1 be amended by adding a NEW SECTION to read:

3 The commission shall conduct hearings for any proposed initiated measure and initiated
4 amendment to the Constitution certified for placement on the next general election ballot
5 pursuant to § 2-1-17. For each initiated measure and initiated amendment to the Constitution,
6 the commission shall conduct not less than two hearings to be held in separate locations in the
7 state. During each hearing for each initiated measure and initiated amendment the commission
8 shall take testimony from the petition sponsor or the sponsor's designee regarding the purpose
9 of the initiated measure or initiated amendment and take public testimony. After any hearing
10 conducted under this section, the commission shall provide an objective written summary not
11 to exceed three hundred words for each initiated measure or initiated amendment to the
12 Constitution to be included in a voter information brochure under section 6 of this Act.

13 Section 5. That chapter 12 -1 be amended by adding a NEW SECTION to read:

14 At the conclusion of the hearings conducted under section 4 of this Act, the commission
15 shall appoint a committee for each initiated measure and initiated amendment to the
16 Constitution that includes two proponents of the measure or amendment, two opponents of the
17 measure or amendment, and one person to be selected by the other four appointed persons. The
18 appointed members of each committee shall provide two written statements to be included in
19 a voter information brochure under section 6 of this Act. One written statement shall be in favor
20 of the measure or amendment and the other written statement shall be in opposition to the
21 measure or amendment.

22 Section 6. That chapter 12-1 be amended by adding a NEW SECTION to read:

23 Following the hearings under section 4 of this Act, but not less than one month prior to the
24 next general election, the commission shall cause to be published on the website maintained by

1 the Office of the Secretary of State, with copies made available at the office of each county
2 auditor, a voter information brochure to include for each initiated measure and initiated
3 amendment to the Constitution certified under § 2-1-17 for placement on the ballot, the title of
4 the measure or amendment, the summary of the measure or amendment as written under section
5 4 of this Act, the full text of the measure or amendment, the attorney general's statement
6 provided under chapter 12-13, any fiscal note prepared under § 2-9-31, the statements provided
7 by each committee under section 5 of this Act, and the minutes of the hearings for each petition.

8 Section 7. That § 12-13-23 be amended to read:

9 12-13-23. The secretary of state shall distribute public information on any ~~constitutional~~
10 ~~amendment, initiated, or referred measure~~ law submitted to the electors for approval. The
11 secretary of state shall compile the public information by printing a statement in support of the
12 ~~constitutional amendment, initiated, or referred measure~~ law written by its proponents, if any
13 can be identified, and a statement against the ~~constitutional amendment, initiated, or referred~~
14 ~~measure~~ law written by its opponents, if any can be identified. The secretary of state is not
15 responsible for the contents, objectivity, or accuracy of the statements written by the proponents
16 and opponents. The pamphlet shall also include the attorney general's title, explanation, and a
17 clear and simple recitation of the effect of a "Yes" or "No" vote; number of pages and sections
18 in the ~~proposed or referred language~~ law; and, if applicable, a prison or jail population cost
19 estimate and fiscal note.